

FILEDU.S. DISTRICT COURT
EASTERN DISTRICT ARKANSAS

Nov 29, 2022

Tammy H. Downs, Clerk

By: JakeKornegay D.C.

DEP CLERK

-MMH Document 2 Filed 11/29/22 Page 1 of 2 PageID #: 26

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U.S. District Court E.D.N.Y.

11/29/2022

BROOKLYN OFFICE

**UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION****IN RE: EXACTECH POLYETHYLENE
ORTHOPEDIC PRODUCTS LIABILITY LITIGATION**

MDL No. 3044

(SEE ATTACHED SCHEDULE)

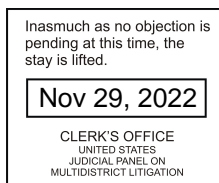
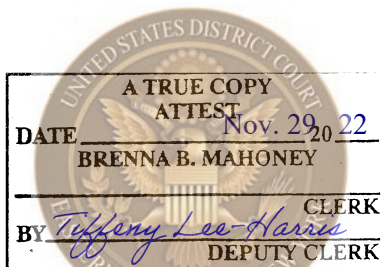
CONDITIONAL TRANSFER ORDER (CTO -9)

On October 7, 2022, the Panel transferred 20 civil action(s) to the United States District Court for the Eastern District of New York for coordinated or consolidated pretrial proceedings pursuant to 28 U.S.C. § 1407. *See* ___F.Supp.3d___ (J.P.M.L. 2022). Since that time, 38 additional action(s) have been transferred to the Eastern District of New York. With the consent of that court, all such actions have been assigned to the Honorable Nicholas G Garaufis.

It appears that the action(s) on this conditional transfer order involve questions of fact that are common to the actions previously transferred to the Eastern District of New York and assigned to Judge Garaufis.

Pursuant to Rule 7.1 of the Rules of Procedure of the United States Judicial Panel on Multidistrict Litigation, the action(s) on the attached schedule are transferred under 28 U.S.C. § 1407 to the Eastern District of New York for the reasons stated in the order of October 7, 2022, and, with the consent of that court, assigned to the Honorable Nicholas G Garaufis.

This order does not become effective until it is filed in the Office of the Clerk of the United States District Court for the Eastern District of New York. The transmittal of this order to said Clerk shall be stayed 7 days from the entry thereof. If any party files a notice of opposition with the Clerk of the Panel within this 7-day period, the stay will be continued until further order of the Panel.



FOR THE PANEL:

John W. Nichols
Clerk of the Panel

**IN RE: EXACTECH POLYETHYLENE
ORTHOPEDIC PRODUCTS LIABILITY LITIGATION**

MDL No. 3044

SCHEDULE CTO-9 – TAG-ALONG ACTIONS

<u>DIST</u>	<u>DIV.</u>	<u>C.A.NO.</u>	<u>CASE CAPTION</u>
ARKANSAS EASTERN			
ARE	4	22-01100	Tester et al v. Exactech Inc et al
DELAWARE			
DE	1	22-01485	Diven v. Exactech, Inc. et al
DE	1	22-01486	Lappen v. Exactech, Inc. et al
MARYLAND			
MD	1	22-02929	Beasley et al v. Exactech, Inc. et al
MD	1	22-02930	Chance v. Exactech, Inc. et al
MD	1	22-02931	Church et al v. Exactech, Inc. et al
MD	1	22-02932	Sexton et al v. Exactech, Inc. et al
TENNESSEE MIDDLE			
TNM	3	22-00928	Ross v. Exactech, Inc. et al